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**TO: Examiner Joseph A. Fischetti – Group Art Unit 3627 – U.S.P.T.O.**

Fax No. 571-273-8300 Phone No. 571-272-6771

**FROM: Donita Konrad (Typed or printed name of person signing Certificate)**

Fax No. 513-634-6108 Phone No. 513-634-9298

Application No.: 09/820,504

Inventor(s): Frank Heinrich Bakes et al.

Filed: March 29, 2001

Docket No.: 9116/552 (P&G Case 8444)

Confirmation No.: 5104

**FACSIMILE TRANSMITTAL SHEET AND**  
**CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8**

*I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on December 2, 2005, to the above-identified facsimile number.*

Donita Konrad (Signature)

Listed below are the item(s) being submitted with this Certificate of Transmission:\*\*

- 1) Petition to Withdraw Holding of Abandonment (2 pgs) with copy of previous submission (7 pgs)
- 2)
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Number of Pages Including this Page: 10

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 09/820,504  
Applicant(s) : Frank Heinrich Bakes et al.  
Filed : March 29, 2001  
Title : Method And System For Optimizing Product Inventory  
Levels  
TC/A.U. : 3627  
Examiner : Joseph Fischetti  
Conf. No. : 5104  
Docket No. : 9116/552 (P&G Case 8444)  
Customer No. : 27752

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants received a Notice of Abandonment mailed by the PTO on September 12, 2005 and forwarded to Applicants by previous outside counsel (copy enclosed). The Notice indicated that the above-referenced application had gone abandoned in view of Applicants' failure to timely file a response to the Office Action mailed February 10, 2005.

Petitioner respectfully submits that, on March 10, 2005, Applicants filed a proper response to said Office Action and said response is shown in the public PAIR system as having been received by the PTO. The response was sent on March 10, 2005 via facsimile to the Central Number for Official application-related correspondence at (703) 872-9306. A copy is attached to this petition of the response documents and Auto-Reply Facsimile Transmission page indicating that all six pages (constituting the fax transmittal, the three-page Response to Restriction Requirement, a Revocation of Power of Attorney

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Appl. No. 09/820,504  
Atty. Docket No. 9116/552 (8444)  
Reply to Notice of Abandonment dated 09/12/2005  
Customer No. 27752

with New Power of Attorney and Change of Correspondence Address, and Statement Under 37 CFR 3.73(b)) had been received by the PTO.

The Commissioner is hereby petitioned to withdraw the holding of abandonment of the above-identified case for an alleged failure to timely respond to the Office Action mailed February 10, 2005. Applicants believe that there is no fee required with the filing of this petition; however, the Commissioner is hereby authorized to charge payment of any fees associated with this communication, including fees required to make any additional copies of this petition, to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company. If fees are charged for this petition, Petitioners respectfully request that, upon the withdrawal of the holding of abandonment of this application, the charged fee, if any, be credited back to the Petitioner's Deposit Account No. 16-2480.

In view of the foregoing remarks, Applicants seek favorable action by the Commissioner to reverse the Examiner's holding of abandonment of the above-identified Application. Accordingly, Applicants respectfully request that the response to the Office Action be viewed as having been filed in a timely fashion and that the processing of the Application to issuance be continued.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By



Signature

Leonard W. Lewis

Typed or Printed Name

Registration No. 30,769

(513) 634-5649

December 2, 2005

Customer No. 27752

Page 2 of 2

## Auto-Reply Facsimile Transmission



TO: Fax Sender at 513 634 6108

Fax Information  
 Date Received: 3/10/2005 3:45:15 PM [Eastern Standard Time]  
 Total Pages: 6 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.6(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
 Cover  
 Page  
 =====>

<p>513 634 6108 03:45:10 p.m. 03 10 2005 1/6</p> <p><i>Procter &amp; Gamble - I.P. Division</i></p> <p><b>IMPORTANT CONFIDENTIALITY NOTICE</b></p> <p>The documents accompanying this facsimile transmission contain confidential information belonging to the sender which is legally protected. The information is intended only for the use of the individual or entity named below. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone (collect) to arrange for return of the telecopied document to us.</p> <p><b>FACSIMILE TRANSMITTAL SHEET AND    CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.6</b></p> <p><b>TO:</b> Examiner, Joseph Flachbart - Group Ad Unit 2827 - U.S.P.T.O.    Fax No. 703-672-9306 Phone No. 703-305-0731</p> <p>I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on <u>MARCH 10, 2005</u> to the above-identified facsimile number.  <i>Dorothy Kornack</i> (Signature)</p> <p><b>FROM:</b> Dorothy Kornack (Type or printed name of person signing Certificate)    Fax No. 513-634-6108 Phone No. 513-634-9298</p> <p>Listed below are the item(s) being submitted with this Certificate of Transmission:</p> <p>1) Response to Restriction Requirement (3 pgs.)    2) Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address (1 pg.)    3) Statement Under 37 CFR 3.73(b) (1 pg.)    4)    5)    6) <b>Comments:</b></p> <p>Number of Pages Including this Page: <u>6</u></p> <p>Inventory(s): States et al.    S.N.: 09/620,504    Filed: March 22, 2001    Docket No.: 9116-559 (P&amp;G Case 9444)</p>	
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**Procter & Gamble - I.P. Division****IMPORTANT CONFIDENTIALITY NOTICE**

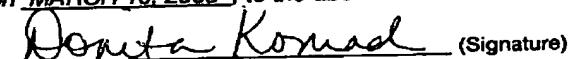
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**FACSIMILE TRANSMITTAL SHEET AND  
CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8****TO: Examiner Joseph Fischetti - Group Art Unit 3627 - U.S.P.T.O**

Fax No. 703-872-9306

Phone No. 703-305-0731

*I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on MARCH 10, 2005, to the above-identified facsimile number.*

 (Signature)**FROM: Donita Konrad (Typed or printed name of person signing Certificate)**

Fax No. 513-634-6108

Phone No. 513-634-9298

Listed below are the item(s) being submitted with  
this Certificate of Transmission:

- 1) Response to Restriction Requirement (3 pgs.)
- 2) Revocation of Power of Attorney with New  
Power of Attorney and Change of Correspondence  
Address (1 pg.)
- 3) Statement Under 37 CFR 3.73(b) (1 pg.)
- 4)
- 5)  
Comments:

Number of Pages Including this Page: 6

Inventor(s): Bakes et al.

S.N.: 09/820,504

Filed: March 29, 2001

Docket No.: 9116-552 (P&amp;G Case 8444)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/820,504  
Applicant(s) : Frank Heinrich Bakes et al.  
Filed : March 29, 2001  
Title : Method And System For Optimizing Product Inventory  
Levels  
TC/A.U. : 3627  
Examiner : Joseph Fischetti  
Conf. No. : 5104  
Docket No. : 9116/552 (P&G Case 8444)  
Customer No. : 27752

**RESPONSE TO RESTRICTION REQUIREMENT UNDER 37 CFR §1.142**

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450  
Dear Sir:

**INTRODUCTORY REMARKS**

In response to the Office Action of February 10, 2005, please consider the following remarks and reconsider the application.

Appl. No. 09/820,504  
Atty. Docket No. 9116/552 (8444)  
Amdt. dated 03/10/2005  
Reply to Office Action of 02/10/2005  
Customer No. 27752

REMARKS

Claim Status

Claims 1-22 are pending in the present application. No additional claims fee is believed to be due.

Response to Restriction Requirement

The Examiner has required, under 35 USC §121, election of a single disclosed invention for prosecution on the merits. Pursuant to this requirement, Applicants hereby elect to prosecute the invention designated in the Office Action as Invention I (corresponding to Claims 1 – 6). Claims are drawn to this invention. This election is made with traverse.

Traversal of Restriction Requirement

The restriction requirement is traversed on the basis that the same general field of search should apply to all or most of the claims in the application and, consequently, it should not be unduly burdensome to examine such claims together during the examination.

If restriction to certain of the claims is still seen as appropriate, Applicants respectfully request that the claims of Groups I, II, III, IV(Claims 13-14 only), and VI be examined and that the claims of Groups IV (Claims 15-18 only) and V be subject to restriction on the basis that: (i) the field of search for the former Groups of claims (I, II, III, IV (13,14 only), and VI) would be the same; and (ii) the field of search for Group IV (15-18) and Group V arguably would be different from the field of search for the former Groups of claims.

Appl. No. 09/820,504  
Atty. Docket No. 9116/552 (8444)  
Amdt. dated 03/10/2005  
Reply to Office Action of 02/10/2005  
Customer No. 27752

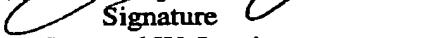
Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the restriction requirement or reformulate the restriction requirement as outlined above. Early and favorable action in the case is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By



Signature

Leonard W. Lewis

Typed or Printed Name

Registration No. 30,769

(513) 634-5649

March 10, 2005

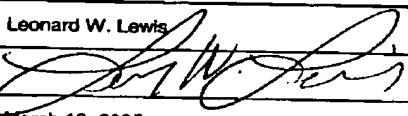
Customer No. 27752

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PTO/SB/82 (09/04)  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

<b>REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS</b>	Application Number	09/820,504
	Filing Date	March 29, 2001
	First Named Inventor	Frank Heinrich Bakes et al.
	Group Art Unit	3627
	Confirmation No.	5104
	Examiner Name	Joseph Fischetti
	Attorney Docket Number	9116/552 (P&G Case 8444)

<u>I hereby revoke all previous powers of attorney given in the above-identified application.</u>	
[ X ] I hereby appoint the practitioners associated with the Customer Number <u>27752</u>	
[ X ] Please change the correspondence address for the above-identified application to: [ X ] The address associated with Customer Number <u>27752</u>	
I am the:  [ ] Applicant/Inventor [ X ] Assignee of record of the entire interest. See 37 CFR 3.71. <i>Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</i>	
<b>SIGNATURE of Applicant or Assignee of Record</b>	
Typed or Printed Name	Leonard W. Lewis
Signature	
Date	March 10, 2005
Telephone	513-634-5649

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

\*Total of 1 forms are submitted

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
Revoc POA with New POA.doc  
(Revised for P&G use 2/2/05)

DEC 02 2005

PTO/SB96 (09-04)

Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE  
Approved for use through 07/31/2006  
OMB 0651-0031**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: The Procter & Gamble CompanyAttorney Docket Number: 9115-552 (8444)Application No./Patent No.: 09/820,504Filed/Issue Date: March 29, 2001Entitled: Method And System For Optimizing Product Inventory Levels

The Procter & Gamble Company, a Corporation  
(Name of Assignee)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is % in the patent application/patent identified above by virtue of either:
  - A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office on March 29, 2001 at Reel 011666, Frame 0228, or for which a copy thereof is attached.

**OR**

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below.

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The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
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The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet

Copies of assignments or other documents in the chain of title are attached. [NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

03/10/2005  
DateLeonard W. Lewis30,769  
Registration No.513-634-5649  
Telephone Number

Typed or Printed Name

Signature

Attorney or Agent of Record

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. Send Fees and Completed forms to the following address: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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